## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)
Plaintiff,	) 8:11CR208 )
vs.	) DETENTION ORDER
CARLOS MARTINEZ-MONZON,	) )
Defendant.	)
A. Order For Detention  After waiving a detention hearing pursuant to 18 U.S.C. § 3142(e) and (i).	to 18 U.S.C. § 3142(f) of the Bail Reform bove-named defendant detained pursuant
conditions will reasonably assure the	because it finds: nce that no condition or combination of appearance of the defendant as required. to condition or combination of conditions
distribute methamphetam 846 carries a minimum se maximum of life imprisonm (Count 6) in violation of 2 sentence of five years imp imprisonment; and the methamphetamine (Count carries a minimum sente maximum of life impriso distribute cocaine (Count carries a minimum sente maximum of forty years in  (b) The offense is a crime of (c) The offense involves a na wit:	and includes the following:     offense charged:     to distribute and possess with intent to nine (Count 1) in violation of 21 U.S.C. §     entence of ten years imprisonment and a nent; the distribution of methamphetamine 21 U.S.C. § 841(a)(1) carries a minimum prisonment and a maximum of forty years possession with intent to distribute at 7) in violation of 21 U.S.C. § 841(a)(1) ence of ten years imprisonment and a maximum of five years imprisonment and a maximum of 21 U.S.C. § 841(a)(1) ence of five years imprisonment and a maximum of controlled substances, to arge amount of controlled substances, to
may affect wheth The defendant ha X The defendant ha X The defendant ha	nst the defendant is high. of the defendant including:  ppears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community.

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	The defendant does not have any significant community
	ties. Past conduct of the defendant:
	X The defendant has a history relating to drug abuse.
	X The defendant has a history relating to drug abuse. X The defendant has a history relating to alcohol abuse.
	X The defendant has a history relating to alcohol abuse. X The defendant has a significant prior criminal record.
	X The defendant has a significant prior criminal record.  X The defendant has a prior record of failure to appear at
	court proceedings.
(b)	At the time of the current arrest, the defendant was on:
(5)	Probation
	Parole
	Release pending trial, sentence, appeal or completion of
	sentence.
(c)	Other Factors:
( )	X The defendant is an illegal alien and is subject to
	deportation.
	The defendant is a legal alien and will be subject to
	deportation if convicted.
	X The Bureau of Immigration and Custom Enforcement
	(BICE) has placed a detainer with the U.S. Marshal.
	Other:
<u>X</u> (4) The n	nature and seriousness of the danger posed by the defendant's
releas	e are as follows: The nature of the charges in the Indictment.
V (5) Dalam	Mahla Dusayunutiana
	ttable Presumptions
	ermining that the defendant should be detained, the Court also relied
	e following rebuttable presumption(s) contained in 18 U.S.C. § e) which the Court finds the defendant has not rebutted:
	That no condition or combination of conditions will reasonably
<u> </u>	assure the appearance of the defendant as required and the safety
	of any other person and the community because the Court finds that
	the crime involves:
	(1) A crime of violence; or
	X (2) An offense for which the maximum penalty is life
	imprisonment or death; or
	X (3) A controlled substance violation which has a maximum
	penalty of 10 years or more; or
	(4) A felony after the defendant had been convicted of two
	or more prior offenses described in (1) through (3)
	above, and the defendant has a prior conviction for
	one of the crimes mentioned in (1) through (3) above
	which is less than five years old and which was
	committed while the defendant was on pretrial release.
<u>X</u> (b)	That no condition or combination of conditions will reasonably
	assure the appearance of the defendant as required and the safety
	of the community because the Court finds that there is probable
	cause to believe:
	X (1) That the defendant has committed a controlled
	substance violation which has a maximum penalty of
	10 years or more.
	(2) That the defendant has committed an offense under 18
	U.S.C. § 924(c) (uses or carries a firearm during and
	in relation to any crime of violence, including a crime of
	violence, which provides for an enhanced punishment

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if committed by the use of a deadly or dangerous weapon or device).

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: June 30, 2011. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge